



STATUTORY INSTRUMENTS.

S.I. No. 149 of 2016



DISTRICT COURT (AMENDMENT) RULES 2016

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The District Court Rules Committee, in exercise of the powers conferred on them by section 91 of the Courts of Justice Act 1924, section 72 of the Courts of Justice Act 1936, section 34 of the Courts (Supplemental Provisions) Act 1961, and section 24 of the Interpretation Act 2005, do hereby, with the concurrence of the Minister for Justice and Equality, make the following rules of court.

Dated this 25th day of January 2016.

Rosemary Horgan
Chairperson

Mary C Devins
Brian Sheridan
Conal Gibbons
Anne Watkin
Fiona Twomey
Shane McCarthy
Roy Pearson
Noel A Doherty
Michelle Johnston

I concur in the making of the following rules of court.

Dated this 4th day of April 2016.

FRANCES FITZGERALD,
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 8th April, 2016.*

S.I. No. 149 of 2016

DISTRICT COURT (AMENDMENT) RULES 2016

1. (1) These Rules, which may be cited as the District Court (Amendment) Rules 2016, shall come into operation on the 3rd day of May 2016.

(2) These Rules shall be construed together with the District Court Rules 1997 (S.I. No. 93 of 1997) and all other District Court Rules.

(3) The District Court Rules as amended by these Rules may be cited as the District Court Rules 1997 to 2016.

2. The District Court Rules 1997 (S.I. No. 93 of 1997) are amended:

(i) by the substitution of the heading to rule 6 of Order 19 of the following “Remands under s.5 1997 Act”;

(ii) the substitution for rule 4 of Order 26 of the following rule;

“Warrants of committal in Dublin Metropolitan District

4. Warrants of committal may, in the Dublin Metropolitan District, be addressed to the Governor of the Prison into whose custody the person is being committed.”

(iii) by the substitution of the form No.19.1 set out in Schedule 1 for the form bearing the like number in the Schedule B annexed to the District Court Rules 1997; and

(iv) by the substitution of the form No. 28A.15 set out in Schedule 1 for the form bearing the like number in the Schedule B annexed to the District Court Rules 1997; and

(v) by the substitution of the form No. 66.4 set out in Schedule 1 for the form bearing the like number in the Schedule C annexed to the District Court Rules 1997.

Schedule 1

No. 19.1

Schedule B
O.19 r.1

CRIMINAL PROCEDURE ACT, 1967

*CRIMINAL JUSTICE (MISCELLANEOUS PROVISIONS) ACT, 1997

COMMITTAL WARRANT (remand)

District Court Area of District No.

PROSECUTOR: The D.P.P. at the suit of

ACCUSED: D.O.B.

WHEREAS the above-named accused was this day before the Court charged that

AND WHEREAS the hearing of the said charges has been adjourned to the sitting of the District Court at on the day of..... 20..... at am/pm

*under the provisions of section 5 of the Criminal Justice (Miscellaneous Provisions) Act 1997

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused in the *(prison) *(remand institution he being a person who is not less than sixteen nor more than twenty-one years of age) at there to be detained by the Governor/the person in charge thereof until the above time of adjournment

- *(1) Being a period not exceeding eight days from the date hereof.
- *(2) Being a period not exceeding fifteen days from the date hereof and this not being the occasion of the first appearance of the accused before the court.
- *(3) Being a period exceeding 15 days but not exceeding thirty days from the date hereof, the accused and prosecutor so consenting and this not being the occasion of the first appearance of the accused before the Court,

When he shall have him/her at the said sitting to be further dealt with according to law.

Dated this day of 20.....

Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

at

†CONSENT AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

and the accused is not to commit any offence

*and to sign on daily/weekly at Garda station between a.m. and p.m.

and [*list any further conditions imposed by the Court*]

*And further consents that in lieu such surety or sureties lodgement of the sum of €..... be accepted.

Dated this day of 20.....

Signed
Judge of the District Court

*Delete where inapplicable

†Delete where inapplicable

SCHEDULE B
O.28A, r.8

CRIMINAL JUSTICE ACT 2006, SECTION 99(9)

WARRANT ON REMAND TO COURT REFERRED TO IN SECTION
99(9)

District Court Area of _____ District No. _____

..... Prosecutor

..... Accused

PART A

WHEREAS the above-named accused was this day convicted before the Court that (s)he did.....

WHEREAS this Court is satisfied that the above-named accused is a person to whom an order made under section 99(1) of the above-mentioned Act of 2006 applies, such order having been made by the Court sitting at on the day of 20....

AND WHEREAS the above-named accused was this day convicted before this Court that (s)he did....., and this Court is satisfied that the said offence is an offence committed after the making of the said order under section 99(1) and that the conviction by this Court occurred during the period of suspension of the sentence concerned

THIS IS TO COMMAND YOU to whom this warrant is addressed to lodge the accused..... of in the *(prison) *(remand centre, (s)he being a person who is not less than sixteen years of age) at..... there to be detained by the *Governor / *person in charge thereof until

the *next *present sitting of the Court at.....,

*the sitting of the District Court at [*if in Dublin Metropolitan District, specify Court No. If outside Dublin Metropolitan District, specify District and Area*] on the day of 20..., at*a.m. *p.m.

when you are required to convey him/her before that Court to be further dealt with according to law.

Dated this day of 20.....

Signed
Judge of the District Court

To the Superintendent of the Garda Síochána

At.....

†PART B: CONSENT TO AND CONDITIONS OF RELEASE

The Court hereby consents to the above named accused being conditionally released on his/her entering into a recognisance

*himself/herself in the sum of €..... *(of which €..... cash to be lodged)

*and one sufficient surety in the sum of €..... (of which €..... cash to be lodged) or two sufficient sureties in the sum of €..... each (of which €..... cash to be lodged by each)

*and to sign on daily/weekly at Garda station between a.m. and p.m.

*and the Court further consents that in lieu of such surety or sureties lodgment of the sum of €..... be accepted

*and *[insert any other condition]*

and the accused shall not commit any offence while so conditionally released.

Dated this day of 20.....

Signed
Judge of the District Court

* Delete where inapplicable
† Delete where inapplicable

SCHEDULE C
O.66,r.3 (4)

GAMING AND LOTTERIES ACT, 1956

Section 28

LICENCE FOR PROMOTION OF A LOTTERY

District Court Area of

District No.

The Court hereby grants to of a licence for the promotion of periodical lotteries in accordance with section 28 of the said Act, during the period from the day of 20.... to the day of 20.... subject to the provision that each series of lotteries shall comply with the following conditions:-

- (a) it shall be for some charitable or philanthropic purpose or purposes to wit, *.....
- (b) the licensee shall derive no personal profit from it;
- (c) †value of prizes
- (d) the total value of the prizes on any occasion shall not be more than ††€..... , and, if more than one lottery is held in any week, the total value of the prizes for the week shall not be more than ††€..... ;
- (e) the value of each prize shall be stated on every ticket or coupon;
- (f) not more than forty per cent. of the gross proceeds shall be utilised for the expenses of promotion, including commission, and any free entry for the lottery shall be deemed to be a payment of commission to the extent of its value.

Dated this day of 20.....

Signed
Judge of the District Court

*Insert kind of lottery to be carried on

†Set out list and value of prizes

††Insert amount specified by section 28(2)(c) of the Gaming and Lotteries Act 1956 as amended.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These rules amend Order 19, rule 6 and Order 26, rule 4 of the Rules of the District Court and substitute Form No. 19.1 and Form No. 28A.15, and Form No. 66.4 in Schedule B and Schedule C, respectively,annexed to District Court Rules 1997.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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